

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JANUARY 14 , 19 92

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING January 14 , 19 92
IN Regular SESSION. PRESIDENT Thomas C. Henry
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND
Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE
FOLLOWING MEMBERS _____ VIZ:

BRADBURY <u>P</u>	EDMONDS <u>P</u>	GIAQUINTA <u>P</u>
HENRY <u>P</u>	LONG <u>P</u>	LUNSEY <u>P</u>
RAVINE <u>P</u>	SCHMIDT <u>P</u>	TALARICO <u>P</u>

ABSENT: _____

COUNCILMEMBER: _____

THE MINUTES OF THE LAST REGULAR _____, 19__

_____, 19__

SPECIAL December 19 & 26 , 19 92

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 14th day of January, 1992, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 16th day of January, 1992.

Sandra E. Kennedy
City Clerk



The City of Fort Wayne

17 December 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated utility easement.

The proposed ordinance is designated as:

BILL NO. G-91-12-25

Respectfully submitted

Certified and signed this
17th day of December 1991.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

Utility Easement Vacation

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

Utility Easement in Interstate Industrial Park (West of Executive Blvd., and South of Research Drive)

Reason for Project

Potential growth and expansion, and to clear up an encroachment.

Discussion (Including relationship to other Council actions)

16 December 1991 - Public Hearing

Mike Trevino, Civil Engineer with Magnavox Electronic Systems Company stated that they were requesting that the petition be WITHDRAWN due to an error in the petition. He stated that they would be resubmitting the petition at a later date.

Motion was made and seconded to WITHDRAW the petition as requested. Of the five (5) members present, five (5) voted in favor of the motion.

Motion carried.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
ProponentsApplicant(s)
Magnavox Electronic Systems (

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☐ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions
WITHDRAWN BY PETITIONER)CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass ☐ Other
☐ Pass (as
amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

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Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Date 14 November 1991

Date 17 December 1991

Date 17 December 1991

Date 17 December 1991

Date 17 DECEMBER 1991

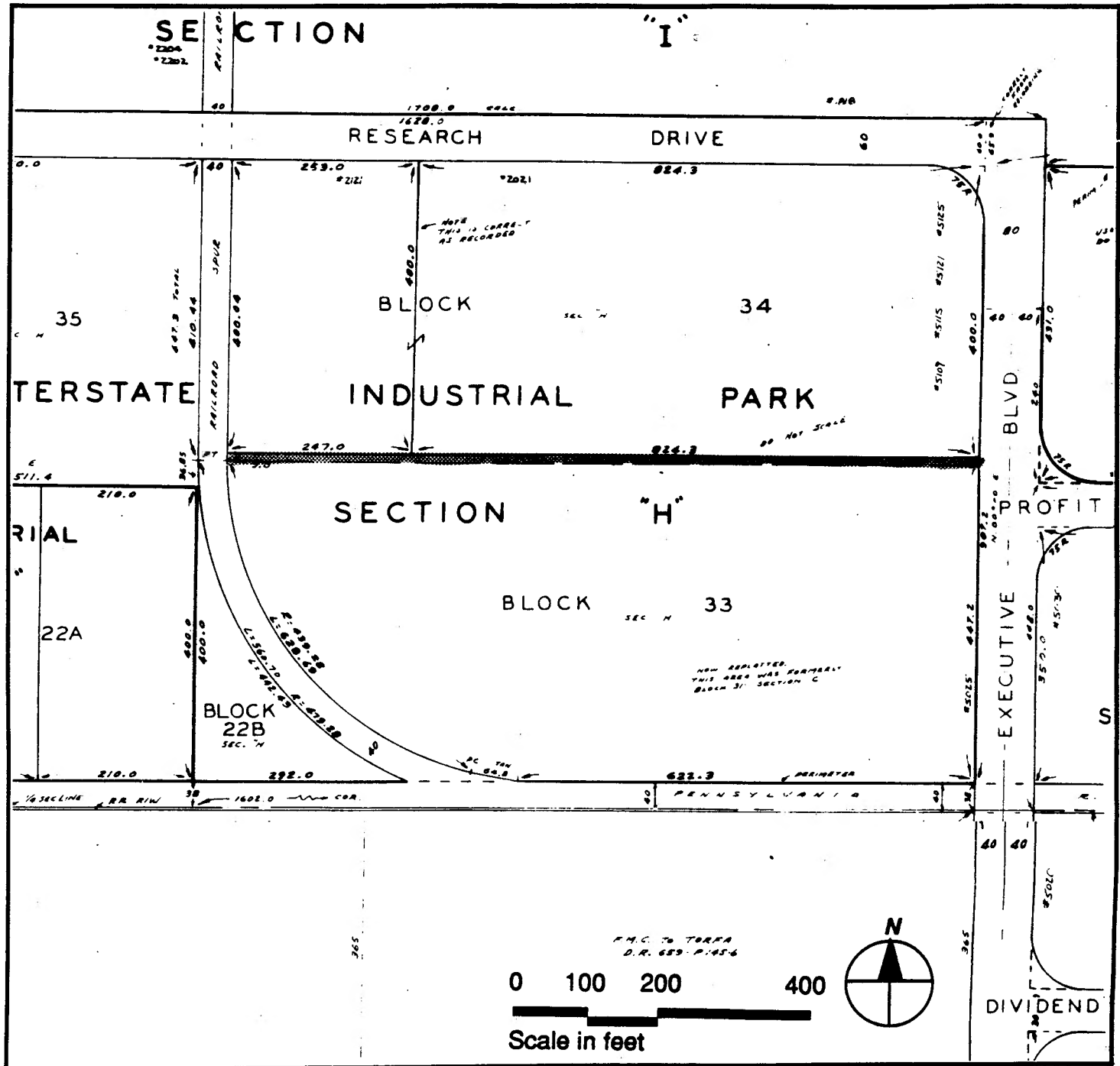
Date 17 DECEMBER 1991

Date 17 DECEMBER 1991

VACATION PETITION

AREA MAP

CASE NO. #491



COUNCILMANIC DISTRICT NO. 3

Map No. J-34
LW 10-18-91

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

Miguel A. Trevino, P.E., agent for Magnavox Electronic Systems Company, request the vacation of an utility easements.

Location: Interstate Industrial Park (West of Executive Blvd. and south of Research Drive)

Legal: See File

Land Area: Approximately 0.34 acres

Zoning: This area is zoned M-2

Surroundings:	North	M-2	Industrial Park
	South	M-2	Industrial Park
	East	M-2	Industrial Park
	West	M-2	Industrial Park

Reason for Request: Potential growth and expansion, and to clear up an encroachment.

Neighborhood Assoc.: None

Planning Staff Discussion:

The petitioners are requesting the vacation of an utility easement. Petitioners state that they own property on all sides of the easement, and are interested in the possible expansion of their building.

Staff has no objections to the vacation as long as the petitioners can provide replacement utility easements or relocations as needed. The area has already been developed with numerous industrial or commercial uses, and vacation of this easement should not effect existing or future growth.

Recommendation: Conditional Approval, contingent upon the petitioner providing for utility easements or relocations as necessary, and for the following reason:

- 1) Approval will not effect existing or future growth of the area.



The City of Fort Wayne

27 December 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury;

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated right-of-way.

The proposed ordinance is designated as;

Bill No. G-91-04-16

Respectfully submitted,

Certified and signed this
27th day of December 1991.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Street Vacation Ordinance

DETAILS

Specific Location and/or Address

Warren Street north of Reynolds Street and the west 47.67 feet of Alden Avenue.

Reason for Project

Expansion and renovation of the existing Tokheim facilities.

Discussion (Including relationship to other Council actions)

15 April 1991 - Public Hearing

See Attached Minutes of Meeting

22 April 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation subject to the petitioner satisfying the following conditions:

- 1) Provide utility easements or relocations as needed.
- 2) Provide a dedicated and improved "turn-around" at the west end of Alden Avenue to meet the standards and specifications of the Street Engineering Department.

Of the nine (9) members present, eight (8) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Tokheim Corporation & Indiana Michigan Power Co City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

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Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

Date 14 March 1991

Date 27 December 1991

Date 27 December 1991

Date 2 JANUARY 1992

Reference or Case Number

Bill No. G-91-04-16 - Vacation Petition #470
Warren Street north of Reynolds Street and the west
47.67 feet of Alden Avenue.

- c. Bill No. G-91-04-18 - Vacation Petition #471
Both alleys located on the west side of Dubois Street
north of Wayne Trace.

3. Public Hearing on Zoning Map Amendments

- a. Bill No. Z-91-04-14 - Change of Zone #469
From R-2 to M-2
The 2200 Block of Reynolds Street on the north side and
the first lot east of Warren Street.

Larry Shine, attorney for the petitioners Tokheim Corporation appeared before the Commission. Mr. Shine stated that they were there for the following three petitions: Bill No. G-91-04-16, Bill No. G-91-04-18 and Bill No. Z-91-04-14. Mr. Shine stated that the two vacations along with the rezoning are part of the Tokheim expansion. Mr. Shine stated that with regard to the rezoning it is for the purpose of extending the parking lot. He stated that some of it is being used for parking and they are using this opportunity to ask for M-2 zoning to make the use consistent with the zoning designation. He stated that with regard to the Warren & Alden Street vacation request there is a condition from the staff to dedicate right-of-way for a cul-de-sac at the west end of Alden. He stated that staff is requesting it because Alden Avenue is currently being used to access other properties. Mr. Shine stated that they would respectfully ask the Commission to eliminate the condition requiring a cul-de-sac for the following reasons. He stated that this part of Alden is not used by any of the property owners who's homes are located on Reynolds Street for driveway purposes. He stated that their drives all go out onto Reynolds Street. He stated that there are no drives or ingress/egress from the back of the properties onto Alden. He stated that the portion of Alden that they want to vacate is unimproved and no more than a pathway used by a pickup truck to pick up trash for four homes. He stated that the truck currently drives in and backs out onto the next street. He stated that if they created a cul-de-sac it would be used only by one vehicle. He stated that they are trying to maximize the project land with landscaping and buffering at this end of Alden Street. He stated that the other vacation petition which is a portion of two alleys is similar. He stated that the only property affected by this vacation would be the Angle Inn Tavern. He stated that they use Lot 9 for a parking lot. He stated that Street Engineering has asked for them to create an easement for an alley so as not to create a dead end. He stated that they feel the request by Street Engineering is larger than necessary. He stated that they would only be accommodating ingress/egress for one home on Lot #8. He stated that this home on Lot #8 has the garbage picked up in the alley but the garbage truck does not use the alleys that they want to vacate for access. The garbage

truck uses the parking lot for the Angle Inn to turn around. He stated that instead of using part of the vacated property to dedicate a new alley they want to be able to come all the way out on the end of Lot 7 in order to complete their buffering and landscaping.

Dan Platter, President of East Side Neighborhood Association appeared before the Commission. Mr. Platter stated that he wanted to talk about the vacation of Warren & Alden. He stated that they have had trouble in the past with dumping in the area and they feel that the vacation and fencing of the property will be a solution to that problem. He stated that with regard to the vacation of the two other alleys they feel that the landscaping and buffering will be an improvement for the area. He stated that with respect to the rezoning, they (Tokheim) already use a portion of the area for parking and they feel the rezoning and using of the property for a parking lot is consistent.

John Angle owner of the Angle Inn appeared before the Commission. Mr. Angle stated that he was not against the vacation of the two alleys as long as they did not vacate beyond Lot #8. He stated that he felt that the landscaping that Tokheim was doing was an asset to the area. Mr. Angle stated that he wanted to be sure that there would be no drainage from the Tokheim property onto his property.

Evelyn Floyd appeared before the Commission. Ms. Floyd stated that she was concerned with the condition of Reynolds Street and whether Tokheim would be installing new curbs and sidewalks.

In rebuttal, Mr. Shine stated that with regard to the condition of the street and sidewalk on Reynolds he stated that it is not part of their project to upgrade them. He stated that they are interested in the maintenance and upkeep of the entire neighborhood. He stated that they would be happy to participate in any conversations with the city about improving the streets and sidewalks.

Mr. Keith Lasure, Manager of Manufacturing with Tokheim Corporation, stated that with regard to the Angle Inn the plans have been checked and revised as far as water drainage and there should be no drainage problems for the Angle Inn property. If there were any problems they were encouraged to contact Tokheim and they would be happy to see what they could do.

Mr. Shine stated that they have worked with Tom Cain the Landscape Architect for the city and are doing a comprehensive landscape plan for this project.

Mr. Lasure stated that they have been coordinating their efforts with Tom Cain and the City Planning Department and they are pleased with the results. He stated that they do have in the plan approximately 200 pine trees and spruce trees that will be

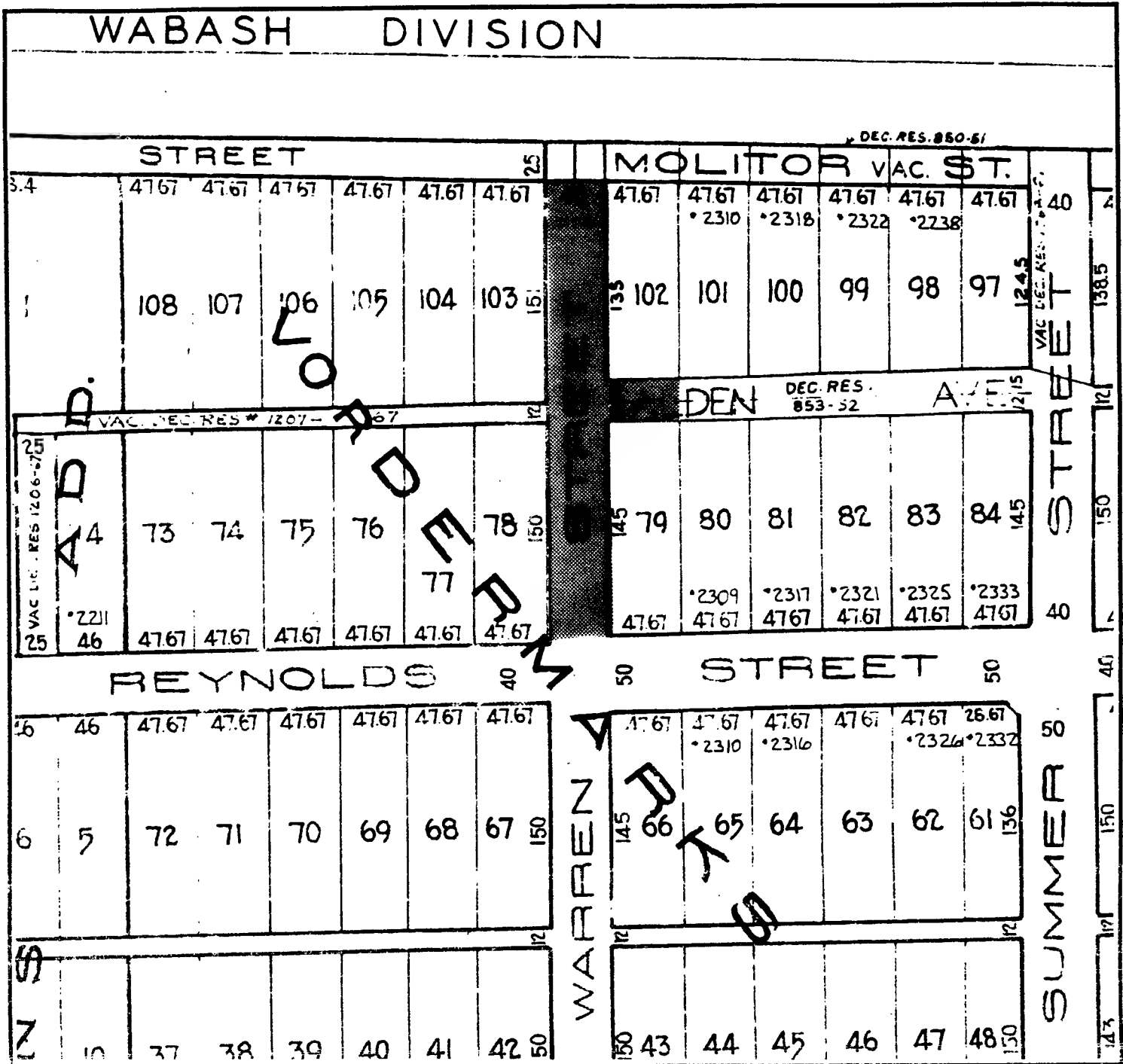
going into the area along with that approximately 50 types of a leaf variety.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacations and rezoning.

VACATION PETITION

AREA MAP

CASE NO. #470



COUNCILMANIC DISTRICT NO. 1

Map No. P-2
LW 3-21-91

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	IA	Interchange Access
PUD	Planned Unit Dev.	POD	Professional Office District	MHP	Mobile Home Park

Lawrence E. Shine, attorney for Tokheim Corporation, requests the vacation of a portion of public right-of-ways.

Location: Warren Street north of Reynolds Street, and the west 47.67 feet of Alden Avenue

Legal: See File

Land Area: Approximately 0.20 acres

Zoning: Does not apply

Surroundings:	North	M-2	Railroad tracks
	South	R-2	Residential
	East	M-2/R-2	Residential
	West	M-2/R-2	Tokheim

Reason for Request: Expansion and renovation of the existing facilities.

Neighborhood Assoc.: None

Comprehensive Plan: No comment.

Neighborhood Plan: While this petition falls within a neighborhood adjacent to our Memorial Park Neighborhood Strategy Area, the Neighborhood Planning Staff has no comment.

Landscape: No comment.

Planning Staff Discussion:

The petitioners state that they are the only owners of properties bordering these right-of-ways. They do not believe that these portions of right-of-way are necessary to any ingress or egress concern, nor are they needed for the continued growth of the city.

Staff agrees with the petitioners, but notes that Alden Avenue is currently used to access other properties. As a condition of approval, staff recommends the dedication of right-of-way for a cul-de-sac at the west end of Alden Avenue. Such right-of-way should be dedicated and improved to satisfy the standards and specifications of the Street Engineering Department.

Recommendation: Conditional Approval, contingent upon the petitioners satisfying the following:

- 1) Provide utility easements or relocations as needed, and

2) Provide a dedicated and improved cul-de-sac at the west end of Alden Avenue to meet the standards and specifications of the Street Engineering Department.

RESOLUTION 79-177-15

WHEREAS, TOKHEIM CORPORATION and INDIANA MICHIGAN POWER COMPANY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following streets situated in Fort Wayne, Allen County, to-wit:

All that part of Warren Street lying North of a line connecting the Southwest corner of Lot 79 to the Southeast corner of Lot 78 and South of the South right-of-way line of vacated Molitor Street.

Also that portion of Alden Avenue lying adjacent to and contiguous with Lots 79 and 102, all as shown in Vodermark's Addition recorded in Deed Book 58, pages 148 and 149, in the Office of the Recorder of Allen County

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated streets has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated streets hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said streets hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Charles E. Layton, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held December 31, 1991 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 31st DAY OF December 1991

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

Katherine A. Carrier
Katherine A. Carrier
Member, Board of Public Works

RESOLUTION

WHEREAS, TOKHEIM CORPORATION and INDIANA MICHIGAN POWER COMPANY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following streets situated in Fort Wayne, Allen County, to-wit:

All that part of Warren Street lying North of a line connecting the Southwest corner of Lot 79 to the Southeast corner of Lot 78 and South of the South right-of-way line of vacated Molitor Street.

Also that portion of Alden Avenue lying adjacent to and contiguous with Lots 79 and 102, all as shown in Vodermark's Addition recorded in Deed Book 58, pages 148 and 149, in the Office of the Recorder of Allen County

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on April 15, 1991 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated streets.

WHEREAS, said vacation of dedicated streets has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated streets hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated streets hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated streets or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated streets in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)


I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held April 22, 1991, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 3rd DAY OF January 1992



MEMORANDUM

TO: City Council Members

FROM: Greg Purcell,  Director, Community and Economic Development

DATE: January 3, 1992

SUBJECT: Recommendation from Plan Commission

The attached right-of-way vacation has been reviewed by the Fort Wayne Plan Commission and forwarded to you for final action. The Plan Commission's recommendation on each case, made after public hearing and review, has been certified by the Commission's Secretary and is summarized on the attached "Fact Sheet".

Occasionally, there will be a significant delay between the time the petition is filed and when the Plan Commission certifies its recommendation and forwards the case to you. This delay occurs when a petition receives "Conditional Approval" -- approval subject to the petitioner fulfilling certain obligations. In such cases the Plan Commission's staff holds the petition until all conditions have been met by the petitioner. Once all conditions have been satisfied, the case is forwarded to you.

As always, if you have any questions concerning the attached cases, please do not hesitate to call me or the Land Use Management staff at 427-1140.

/kp

1. Vacation Petition - Bill No. G-91-04-16

Amendment: Street Vacation Ordinance

Location: Warren Street north of Reynolds Street and the west
47.67 feet of Alden Avenue.

Applicant: Tokheim Corporation

Proponents: Larry Shine, attorney representing petitioner

Opponents: None

Summary of Discussion: This petition would allow for the
expansion and renovation of the existing Tokheim facilities.

Staff Recommendation: Do Pass

Plan Commission Recommendation: Do Pass

Recommendation Given: April 22, 1991

Committee Session Date: The Committee Session date will depend
upon the publication of the legal notice by Council staff.



MEMORANDUM

TO: Members of the City Council

FROM: Greg Purcell *[Signature]* Director, Community & Economic Development

DATE: January 14, 1992

SUBJECT: Bill No. G-91-09-10 (as amended) (as amended) An ordinance concerning the placement of signs within the City limits of Fort Wayne, Indiana.

On November 26th, Common Council amended this proposed ordinance, and it was returned to the Fort Wayne Plan Commission along with a written statement from Councilman Henry, Chairman of the Regulations Committee, explaining the reasons for the councilmanic amendments. Attachment I is a copy of the material sent to the Plan Commission.

On December 23rd, the Fort Wayne City Plan Commission reviewed the proposed amendments and the reasons given for such action. The Plan Commission voted to reject the amendments proposed by Council on a 5 to 1 vote with Councilman Edmonds voting against the motion. This ordinance is now being returned for further consideration by the City Council.

The Plan Commission reviewed these documents and concluded that the original recommendations proposed by the planning staff, approved by the Sign Review Committee, endorsed by the Board of Zoning Appeals and concerned neighborhood associations, and, after a public hearing, approved by the Plan Commission, are in the best interest of the community. The Commission in its review and recommendations to the City Council, cites two major concerns with the Council's amended version of the Sign Ordinance. First, the Council's less restrictive version of the ordinance will allow for a greater proliferation of signs throughout the community. Second, the Council's amendment does not afford the reasonable and necessary protection to the special areas of the community, e.g. established neighborhoods, schools, churches, and historic vistas. In summation, the Plan Commission respectfully requests that City Council consider the community welfare over the special interest of a single entity.

Under State Law, Common Council's amendments stand only if confirmed by another vote within forty-five (45) days of the Plan Commission's last action. If Council fails to confirm its action under this clause, the ordinance takes effect as if the Council had

City Council

-2-

January 14, 1992

originally adopted it. We have been advised by legal staff that further amendments are not appropriate at this time, and that final action on the ordinance rests with the City Council.

GP/WEO/GB

Attachment



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

11-26-91

MEMBER OF THE COMMON COUNCIL

Fort Wayne City Plan Commission
One Main Street, 8th Floor
City-County Building
Fort Wayne, IN 46802
November 25, 1991

RE: Bill No. G-91-09-10 (as amended)(as amended) -- An ordinance concerning the placement of signs within the City limits of Fort Wayne, Indiana.

Gentlemen & Ladies,

Dear members of the Fort Wayne City Plan Commission, on the 26th day of November, 1991, the Common Council of the City of Fort Wayne passed the attached second amended version of Bill No. G-91-09-10. A copy of the ordinance, (as amended) (as amended), is attached.

There were two amendments to this ordinance. The first of these amendments was the addition of language requiring a special use under certain circumstances. This specific amendment is embodied in the additional definition of historic district (or property eligible for historic designation) added as paragraph (zzz) to Sec. 33-3, and the amendment to Sec. 33-13 speaking of special uses. The reason for this amendment are as follows:

- 1). The special use designation will allow public input from the surrounding neighbors when a sign is placed within a zone measured radially from 125 to 350 feet from the relevant zoning classification; and
- 2). The selection of the radial distances was based upon the belief that a distance of more than 125 feet would restrict signs from areas where they would, in some instances, be appropriately erected. The 350 foot outer limit of the zone triggering notice and hearing is more restrictive than the ordinance previously submitted to the Common Council and helps ensure the integrity of the surrounding areas.

The second set of amendments referred to amendments in Section 33-72(A)(5), Section 33-72(D)(5) and Section 33-73(A)(5) with respect to separation from residential districts, churches, schools and health care facilities; separation from office districts; and separation from other signs.

PAGE TWO
LETTER TO F.W. CITY PLAN COMMISSION
RE: G-91-09-10 (as amended)(as amended)

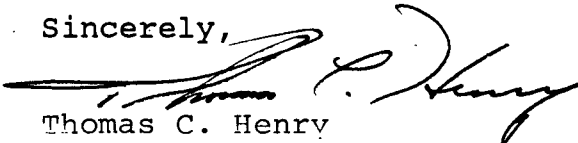
The reasons for this second set of amendments were as follows:

- 1). The maker of the amendment, Council Henry, believed that the proposed ordinance was far too restrictive (i.e. 675 foot signs allowed in M-3 zoning only; and
- 2). The proposed ordinance discriminates against off-premise signs vs. on-premise signs; and
- 3). Councilman Henry felt there was no valid explanation or supporting documentation for the 1,000 foot lineal separation from one off-premise sign to another.

In addition, his amendment addressed the following major concerns expressed by other members of the Common Council of the City of Fort Wayne. They were as follows:

- 1). The elimination of 675 foot signs in residential and business zones; and
- 2). Additional restrictions on distances from residences, churches, schools, etc.

Sincerely,



Thomas C. Henry
Chairman of the Regulations Committee

SJT/SAL/klj

Off-Premise Sign Comparisons...

11/25/91

Zone	Sq.Ft.	Proposal	Height	Setback	Distance from: Res./Church School etc.	When SPECIAL USE REQ'D (SEC 33-13 (m))	Office Dist.	Other Off-Premise
B1A	100	Plan Comm	35'	15'	500' Radial		300' Radial	1000' Lineal
B1B		Amended	35'	15'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	300' Lineal
B3B	100	Plan Comm	35'	15'	500' Radial		300' Radial	1000' Lineal
B-4		Amended	35'	15'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	300' Lineal
	300	Plan Comm	35'	20'	500' Radial		300' Radial	1000' Lineal
		Amended	35'	20'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	500' Lineal
	675	Plan Comm	N/A	N/A	N/A		N/A	N/A
		Amended	N/A	N/A	N/A		N/A	N/A
M-1	100	Plan Comm	35'	15'	500' Radial		300' Radial	1000' Lineal
M-2		Amended	35'	15'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	300' Lineal
	300	Plan Comm	35'	20'	500' Radial		300' Radial	1000' Lineal
		Amended	35'	20'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	500' Lineal
	675	Plan Comm	N/A	N/A	N/A		N/A	N/A
		Amended	35'	30'	250' Radial + 500' Lineal	250' - 350'	150' Lineal	1000' Lineal
M-3	100	Plan Comm	35'	15'	500' Radial		300' Radial	1000' Lineal
		Amended	35'	15'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	300' Lineal
	300	Plan Comm	35'	20'	500' Radial		300' Radial	1000' Lineal
		Amended	35'	20'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	500' Lineal
	675	Plan Comm	35'	30'	500' Radial		300' Lineal	1000' Lineal
		Amended	35'	30'	250' Radial + 500' Lineal	250' - 350'	150' Lineal	1000' Lineal

Off-Premise Signs are not allowed in the Central Business District.

Proposed amendment...

I.) Sec. 33-3 is hereby amended to add the following:

(zzz) historic district (or property eligible for historic designation.)

As used in this ordinance, historic district or property eligible for historic designation shall mean those properties that have been designated or listed in the Cultural Resources Survey as maintained by the Historic Preservation Review Board, and on file in the offices of Community & Economic Development.

II.) Sec. 33-13 is hereby amended to add the following:

(m) In B1A, B1B, B3B, B-4, M-1, M-2, and M-3 districts, except for properties within the Central Business District, the Board of Zoning Appeals may permit off-premise signs between a one hundred twenty-five (125) foot radius and a three hundred fifty (350) foot radius from any City or County residential district, church, school, health care facility, or from any historic district (or property eligible for historic designation) consistent with the chart below.

In considering such a special use, the Board will evaluate the height, location, and sightlines that may unduly impact the character of residential districts, churches, schools, health care facilities or historic district including any property eligible for historic designation. The Board may impose reasonable conditions on the size of a sign, location, height, lighting, and sightlines that will ensure the integrity of the areas noted above. Off-premise signs adjacent to historic districts (or properties eligible for historic designation) shall be located to ensure that all sightlines and vistas of historic features are maintained, and that such signs shall not negatively effect the historic integrity of such properties.

Concurrent with filing the petition with the Board of Zoning Appeals, the petitioner shall send notice to all property owners within a three hundred fifty (350) foot radius of the petitioned location, and the registered neighborhood associations (if any) with boundaries within the three hundred fifty (350) foot radius. Notice shall include the date and time of the hearing, a copy of the petition and associated drawings, rendering or photographs (if any), and such other items as may be required by the Board of Zoning Appeals. A copy of the mailing list must be submitted with the petition.

Off-Premise Signs Authorized for Special Uses

<u>Zoning District</u>	<u>Maximum Sign Size Sq. Feet</u>	<u>Maximum Height</u>	<u>Minimum Setback</u>	<u>Distances from Residential School/Historic District For Special Use</u>
B1A & B1B	100	35'	15'	125' - 350'
B-3-B	100	35'	15'	125' - 350'
& B-4	300	35'	20'	125' - 350'
M-1,	100	35'	15'	125' - 350'
M-2, &	300	35'	20'	125' - 350'
M-3	675	35'	30'	250' - 350'

Additional amendments...

Sec 33.69 (P)

Off-premise signs located within a three hundred fifty (350) foot radius from any City or County residential district, church, school, health care facility, or from any historic district (or property eligible for historic designation) shall require Board of Zoning Appeals approval prior to the issuance of an Improvement Location Permit. Applicants should refer to Sec. 33-13 (m) for specific details and procedure.

Sec 33.72 (A) (5)

- (5) Off-premise signs not exceeding one hundred (100) square feet in total area are permitted except in the Central Business District.
- (i) Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total sign area is not exceeded and the two (2) faces are not separated by more than twelve (12) inch distance.
 - (ii) Such sign shall be no closer than fifteen (15) feet to the front lot line, and shall not exceed thirty-five (35) feet in height.
 - (iii) Such sign shall be spaced at least ~~one-thousand~~ ~~(1000)~~ three hundred (300) lineal feet from any other off-premise sign.
 - (iv) Subject to Sec. 33.69, such off-premise sign shall not be located within a ~~five-hundred--(500)~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school and, health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three--hundred--(300)~~ one hundred fifty (150) lineal feet from any City or County office district.
 - (v) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and not further than twelve (12) inch at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

Sec 33.72 (D) (5)

(5) Off-premise signs are permitted as follows:

- (i) Subject to Sec. 33.69, Off-premise signs not exceeding one hundred (100) square feet in area are permitted except in the Central Business District. Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total sign area is not exceeded and the two (2) faces are not separated by more than a 12 inch distance. Such sign shall be no closer than fifteen (15) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least ~~one-thousand-(1000)~~ three hundred (300) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets. Such off-premise sign shall not be located within a ~~five-hundred-(500)~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school and, health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three--hundred--(300)~~ one hundred fifty (150) lineal feet from any City or County office district.
- (ii) In lieu of item (i) above, and subject to Sec. 33.69, off-premise signs not exceeding three hundred (300) square feet in total area are permitted except in the Central Business District. Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total area is not exceeded and the two (2) faces are not separated by more than a twelve (12) inch distance. Such sign shall be no closer than twenty (20) feet to the front lot line, and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least ~~one-thousand-(1000)~~ five hundred (500) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise sign shall not be located within a ~~five-hundred-(500)-foot~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school and, health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three-hundred-(300)~~ one hundred fifty (150) lineal feet from any City or County office district.

- (iii) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and no further than twelve (12) inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

Sec 33.73 (A) (5)

(5) Off-premise signs are permitted as follows:

- (i) Subject to Sec. 33.69, Off-premise signs not exceeding one hundred (100) square feet in total area are permitted except in the Central Business District. Such sign shall be no closer than fifteen (15) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least ~~one-thousand-(1000)~~ three hundred (300) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such sign shall not be located within a ~~five hundred-(500)~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school and, health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three-hundred (300)~~ one hundred fifty (150) lineal feet from any City or County office district.

- (ii) In lieu of item (i) above, and subject to Sec. 33.69, off-premise signs not exceeding three hundred (300) square feet in total area are permitted except in the Central Business District. Such sign shall be no closer than twenty (20) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least ~~one-thousand-(1000)~~ five hundred (500) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise sign shall not be located within a ~~five-hundred-(500)-foot~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school and, health

care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three-hundred-(300)~~ one hundred fifty (150) lineal feet from any City or County office district.

- (iii) ~~In the M-3 district only, and~~ In lieu of items (i) and (ii) above, and subject to Sec. 33.69, off-premise signs not exceeding six hundred seventy-five (675) square feet in area are permitted except in the Central Business District. Such signs shall be no closer than thirty (30) feet to the front lot line, shall not exceed a height of thirty-five (35) feet and shall be spaced at least one thousand (1000) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise signs shall not be located within a ~~five-hundred-(500)~~ two hundred fifty (250) foot radius nor within five hundred (500) lineal feet from any City or County residential district or from any church, school ~~and,~~ health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three-hundred-(300)~~ one hundred fifty (150) lineal feet from any City or County office district.

- (iv) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degree (60°) and no further apart than twelve (12) inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.